

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:11-cr-188

v.

HON. JANET T. NEFF

DONNEL DESHAWN McCLAIN,

Defendant.

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**MEMORANDUM OPINION AND ORDER**

Defendant Donnel Deshawn McClain has filed a motion for modification or reduction of sentence (Dkt 90) pursuant to 18 U.S.C. §3582(c)(2) on the basis of Amendment 782 of the United States Sentencing Guidelines, made retroactive by the Sentencing Commission. The U.S. Probation Department has filed a Sentence Modification Report (Dkt 97). Both the Defendant and Government have filed a Response (Dkts100 and 104) to the Sentence Modification Report.

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 782 of the United States Sentencing Guidelines reduced by two levels the offense levels assigned to the quantities that trigger the statutory mandatory minimum penalties in U.S.S.G. §§ 2D1.1 and 2D1.11. These modifications were made retroactive effective November 1, 2014. U.S.S.G. § 1B1.10.

Having fully considered the Sentence Modification Report (Dkt 97) and the Defendant's and Government's responses (Dkts100 and 104), the Court has determined that the defendant is eligible for a reduction of sentence according to the policy statements of the U.S. Sentencing Commission.

Therefore, IT IS HEREBY ORDERED that Defendant's motion for modification of sentence (Dkt 90) pursuant to 18 U.S.C. § 3582(c)(2) is GRANTED. Defendant's sentence is reduced to 87 months imprisonment.

DATED: November 23, 2015

/s/ Janet T. Neff  
JANET T. NEFF  
United States District Judge